

REMARKS

Claims 1-42 are pending in the present application. Claims 3-11, 15, and 17-24 are currently considered withdrawn.

Rejections under 35 U.S.C. § 102

Claims 1-2, 12-14, and 16 were rejected by the Examiner under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 5,669,673 issued to David Fredrick Reuter ("Reuter"). Applicants respectfully traverse and submit the cited art does not teach all of the elements of the claimed embodiment of the invention.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1997). Furthermore, "the identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co. Ltd.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Applicants respectfully submit that the cited art as anticipatory by the Examiner cannot anticipate the rejected Claims, because the cited art does not show all the elements of the present Claims.

Reuter discloses a direct power booster response system which is capable to a stability enhancement function. Only for this functionality Reuter discloses to evaluate a yaw rate sensor and lateral accelerometer sensor. If this determination results in an instability of the vehicle, the system according to Reuter provides for a correction. See col. 9, lines 18-26. To this end, only certain wheels will receive a predetermined brake force to force the vehicle into a turn or to introduce a corrective yaw force. The system closes off the wheel brakes that are not used by a valve. See col. 9, lines 28-43. Thus, the system does not provide for a braking force to all wheels thereby enhancing the braking effect as defined in the independent claims.

Moreover, the system according to Reuter always activates a wheel brake in case of a detection of an instability regardless whether the operator activates the brake or not. However, the system according to the present invention only applies the enhanced braking function if the operator activates the braking pedal. Thus, Reuter does not disclose all the limitations of the independent claims. The dependent claims include all the limitations of the respective independent claims and are, therefore, patentable at least to the extent of the independent claims.


CONCLUSION

Applicants have now made an earnest effort to place this case in condition for allowance in light of the remarks set forth above. Applicants respectfully request reconsideration of the pending claims.

Applicants believe there are no fees due at this time, however, the Commissioner is hereby authorized to charge any fees necessary or credit any overpayment to Deposit Account No. 50-2148 of Baker Botts L.L.P.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicant's attorney at 512.322.2545.

Respectfully submitted,
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